

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

| | | |
|-------------------------------|---|--------------------------------|
| CLEAR BLUE INSURANCE COMPANY, | : | Civil Action No: 3:22-cv-00418 |
| Plaintiff, | : | |
| v. | : | |
| WALTER SCOTT PALLADINO, | : | |
| Defendant. | : | |

**DEFENDANT SCOTT PALLADINO'S MOTION
TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant Walter Scott Palladino (“Defendant”), by and through his undersigned counsel, Strianese Huckert LLP, respectfully moves this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the Complaint filed in this action by Plaintiff Clear Blue Insurance Company (“Plaintiff”). In support of this Motion, Defendant states:

1. This action was commenced by Plaintiff on August 18, 2022 by the filing of a Complaint.
2. The Complaint brings claims for misappropriation of trade secrets under the Defendant Trade Secrets Act, 18 U.S.C §§1836 *et. seq.* and the North Carolina Trade Secrets Protection Act, N.C. Gen. Stat. §§66-152 *et. seq.*, for violations of the North Carolina Computer Trespass Act., §14-458, for violations of the North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. §75-1 *et. seq.*, for violations of the North Carolina Property Protection Act, N.C. Gen. Stat. §99A-1, and for common law conversion.

3. As explained more fully in the accompanying Memorandum of Law submitted herewith, Plaintiff's Complaint fails to plausibly allege any of the claims attempted to be set forth in the Complaint under the applicable pleading standard.
4. Accordingly, this motion should be granted and this action should be dismissed, with prejudice.

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Enter an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure:
 - (a) dismissing this action, with prejudice;
 - (b) awarding Defendant his costs and attorneys' fees;
 - (c) for any other, further, or different relief as the Court deems just and equitable.

Dated: October 11, 2022

Respectfully submitted,

STRIANESE HUCKERT LLP

/s/ Christopher R. Strianese

Christopher R. Strianese

Tamara L. Huckert

3501 Monroe Road

Charlotte, NC 28205

Tel. 704-966-2101

chris@strilaw.com

tamara@strilaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that I have served the foregoing **MOTION TO DISMISS** on Plaintiff via the Court's CM/ECF electronic filing system, which will send electronic notification to the following:

John Zaloom, Esq.
Fielding Huseth, Esq.
Moore & Van Allen PLLC
100 North Tryon Street, Suite 4700
Charlotte, NC 28202
704-331-1000
johnzaloom@mvalaw.com
fieldinghuseth@mvalaw.com

This the 11th day of October, 2022

/s/ Christopher R. Strianese
Christopher R. Strianese
Strianese Huckert LLP
3501 Monroe Road
Charlotte, NC 28205
chris@strilaw.com
704-966-2101